



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

January 16, 2024

MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, District I
Mr. Matthew Durham, Chairman, District II
Mr. Don Mize, Vice Chairman, District III
Mr. Julian Davis III, District IV
Mr. Glenn Hart, Chairman Pro Tem, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Amanda F. Brock, County Attorney David Root, & Jennifer C. Adams, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeesc.com/council]. In addition, it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Andrea Kelley / The Journal

Call to Order

Mr. Durham called the meeting to order at 6:00 p.m.

Moment of Silence

Mr. Durham asked for a moment of silence prior to the Invocation.

Invocation

Mr. David Root, County Attorney, gave the invocation.

Pledge of Allegiance

Mr. David Dial led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes

Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 - 0, to approve the January 2, 2024 regular meeting minutes as presented.

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Attorney's Comments

Mr. Root provided clarifying details to Council regarding **Ordinance 2024-04** and **Ordinance 2024-06** that are on the agenda for first reading.

Administrator's Comments

None at this meeting.

Public Comment Session

If you are not able to attend in person and you have a comment, you may submit it by contacting our Clerk to Council, Jennifer C. Adams at jennifercadams@oconeesc.com or 864-718-1023, so that she may receive your comment and read it into the record.

1. Mr. Jim Mann addressed Council requesting details related to the spending plan, terms and conditions, and the payback schedule of the \$25 million-dollar General Obligation bond that was secured by the County, requesting a Special Council Meeting be held to inform citizens of the above requested details.
2. Mr. Tom Markovich offered Council his thoughts related to proposed Junkyard **Ordinance 2024-04**.
3. Mr. Ron Cilensek addressed Council with his concerns related to proposed Junkyard **Ordinance 2024-04**.

Council Members Comments

Mr. Elliott offered his opinion related to development standards effecting housing prices, noting that Oconee County needs to have development standards.

Mr. Davis joined the meeting at 6:10 p.m.

Mr. Durham addressed citizen comments related to proposed Junkyard **Ordinance 2024-04**.

Mr. Durham disagreed with Mr. Elliott's previous statement, noting that he believes development standards do directly impact housing prices.

Mr. Durham went on to address citizen concerns regarding the \$25,000,000.00 General Obligation Bond by asking Council if at any time was it discussed that the bond would be \$5,000,000.00 for Sewer South and \$21,000,000.00 for other entities within the County?

Mr. Elliott noted that back in September of 2023, he asked for Mr. Durham and Ms. Brock to provide more information to full Council and the public as to how the \$25 million-dollar bond was going to be used.

Mr. Durham then asked Mr. Davis as to how the amount of \$25 million-dollars was devised during the Executive Session meeting with Bond Counsel?

Mr. Davis inquired if Mr. Durham wanted all discussions held in Executive Sessions related to sewer to be made public, noting that Council would need to vote to disclose those discussions.

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Mr. Durham stated that if the issues that were decided upon by Council were to affect the public, the discussion should be made public.

Mr. Davis then stated that Council would need to take a vote as to whether or not to remove Executive Session privileges from Sewer South discussions.

Mr. Root, County Attorney, strongly advised against removing Executive Session privileges from Sewer South discussions and Mr. Davis agreed.

Lengthy discussion followed by Council related to the \$25 million-dollar bond and Sewer South with a final decision being made by Council to schedule a Special Council Meeting to discuss the details of the bond and its uses within the County.

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 – 0, to approve the scheduling a Special Council Meeting at 6 p.m. on Tuesday, January 23, 2024 to discuss the bond details and usage.

Public Hearings for the Following Ordinances *If you would like to be heard during either of the public hearings, please contact Clerk to Council Jennifer C. Adams at jennifercadams@oconeesc.com or 864-718-1023 so that your participation by may be coordinated.*

ORDINANCE 2023-21 AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A RESIDENTIAL LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND JAMES KENT CROOKS AS LESSEE FOR CERTAIN REAL PROPERTY, INCLUDING ALL IMPROVEMENTS THEREON, LOCATED AT 207 CROOKS ROAD, SENECA, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO.

Mr. Durham opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Durham opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council and no citizen submitted or presented any written comments for the record.

Mr. Durham closed the Public Hearing regarding **Ordinance 2023-21**.

Third Reading of the Following Ordinances

ORDINANCE 2023-21 *[see caption above]*

Mr. Hart made a motion, seconded by Mr. Davis, approved 5 - 0, to approve **Ordinance 2023-21** on third and final reading.

Second Reading of the Following Ordinances

ORDINANCE 2023-24 AN ORDINANCE TO REZONE PARCEL 177-00-02-184 FROM THE CONTROL FREE DISTRICT TO THE LAKE RESIDENTIAL DISTRICT, PURSUANT TO OCONEE COUNTY CODE OF ORDINANCES CHAPTER 38, ARTICLE 8.

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Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 – 0, to approve **Ordinance 2023-24** on second reading.

First Reading of the Following Ordinances

ORDINANCE 2024-04 AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ESTABLISHMENT OF A COMMERCIAL JUNKYARD ORDINANCE, TO BE ENTITLED “COMMERCIAL JUNKYARDS”; AND OTHER MATTERS RELATED THERETO.

Mr. Mize made a motion, seconded by Mr. Elliot, to approve **Ordinance 2024-04** on first reading.

Mr. Mize stated that the new Planning Commission Chair reached out to him and intends to reach out to the rest of Council individually to discuss various topics, noting that he (Mr. Mize) would like to give the new chair an opportunity to review the above ordinance once again with the Planning Commission.

Mr. Mize made a motion, seconded by Mr. Hart, to approve sending **Ordinance 2024-04** back to the Planning Commission for review.

Mr. Davis noted that Mr. Johnson, new Planning Commission Chair, has been a member of the commission throughout the whole process of discussions regarding the propose Junkyard Ordinance, remarking that he personally thinks this ordinance needs to die or move on.

Mr. Mize requested that the ordinance be sent to the Planning Commission one last time and if Council is not agreeable to the revisions, then his (Mr. Mize) suggestion would be to table/kill the ordinance.

Mr. Root clarified that the motion on the floor is to send proposed Junkyard **Ordinance 2024-04** to the Planning Commission for final revisions, to be then sent back to Council for consideration of approval.

Motion approved 3 – 2 [Mr. Elliott and Mr. Davis opposed].

ORDINANCE 2024-05 AN ORDINANCE TO APPROPRIATE AND AUTHORIZE THE EXPENDITURE OF FIFTY-SIX THOUSAND AND 00/100 (\$56,000.00) DOLLARS OF FUNDING UNDER THE LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021 (“ARPA”) FOR THE SENECA LIBRARY ADA RAMP PROJECT AND OTHER MATTERS RELATED THERETO.

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 - 0, to approve **Ordinance 2024-05** on first reading.

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ORDINANCE 2024-06 AN ORDINANCE TO SUPPLEMENT ORDINANCE 2021-20, WHICH APPROPRIATED AND AUTHORIZED THE EXPENDITURE OF THREE MILLION AND 00/100 (\$3,000,000.00) DOLLARS OF LOCAL CORONAVIRUS FISCAL RECOVERY FUNDING RECEIVED BY OONEE COUNTY UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 (“ARPA”) FOR PURPOSES OF THE SENECA WATER AND WASTEWATER INFRASTRUCTURE PROJECT, BY AMENDING THE PROJECT’S SCOPE TO INCLUDE ADDITIONAL WATER SYSTEM IMPROVEMENTS; AND OTHER MATTERS RELATED THERETO.

Mr. Elliott made a motion, seconded by Mr. Davis, to approve **Ordinance 2024-06** on first reading.

Mr. Hart inquired if any personnel from the City of Seneca was here to answer questions related to the above ordinance.

Ms. Brock informed Mr. Hart and Council that Mr. Bob Faires, Director of Utilities with the City of Seneca, did offer to attend the meeting, but she (Ms. Brock) let Mr. Faires know that she should be able to answer any questions that Council may have related to this request.

Ms. Brock went on to note she would be happy to have someone from the City of Seneca to attend further readings of this ordinance to provide answers to questions Council may have.

Motion approved 5 – 0.

First & Final Reading for the Following Resolutions

None for this meeting.

Discussion Regarding Action Items

Local ATAX Recommendations- Oconee County PRT Commission - \$32,800

A portion of Local ATAX revenues received by Oconee County are made available for ATAX grants through Ordinance 2011-12. ATAX grants are to be tourism related grants that meet the ATAX guidelines specified by local and State mandates. Grants are recommended by the PRT Commission based on tourism impact of the project and approved by County Council. All external ATAX grant recipients are required to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant.

These reports are placed in the grant folder, which is kept active by the PRT staff until the grant is considered complete. Internal projects through Oconee PRT are also recommended through local ATAX eligible projects to lessen the impact to the general fund when available. These two projects are replacement equipment and vehicle for worn out/outdated equipment. Playground Safety Inspector recommends replacement of existing swings at South Cove and Oconee Vehicle Maintenance recommends Utility vehicle replacement at Chau Ram.

Local ATAX available balance including encumbrances as of Nov. 6, 2023:	\$481,547.45
If all grants/projects approved/new balance will be:	\$448,747.45

It is staff’s recommendation to approve of ATAX grant recommendations as presented.

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 - 0, to approve of ATAX grant recommendations as presented.

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Title: High Falls Park Rec Building Covered Porch Replacement

Department: PRT

Amount: \$ 63,420.00

10% Contingency: \$ 6,342.00

Total: \$ 69,762.00

Procurement was approved by Council in Fiscal Year 2023-2024 budget process.

Budget: \$69,762.00 Project Cost: \$69,762.00 Balance: \$0.00

The High Falls County Park Recreation Building and rear porch is approximately 50 +/- years old. The building is available for the public to rent for events. Due to age and weathering, areas of the porch had begun to rot and the condition was not suitable for public use. The porch did not meet current building code requirements for a public use deck. County Park Staff has removed the damaged porch. The original porch was open with no cover.

This construction project will consist of labor and materials to construct a +/- 448 square foot covered porch with associated tie-ins to the existing structure. The new porch will be up to date with current commercial code standards. The overall look of the new covered porch will match the aesthetics of the High Falls Park point shelter and will overlook the lake.

On December 19, 2023, formal sealed bids were opened for the High Falls Park Rec Building Covered Porch Replacement. Forty-six companies were originally notified of this bid opportunity. Three companies submitted bids, with Palmetto Construction & Services of the Upstate, of Williamston, SC submitting the lowest, responsive bid of \$63,420.00. Staff is requesting a 10% contingency to allow for unforeseen items that may arise.

It is the staff's recommendation that Council:

- 1. Approve the Award of ITB 23-05 to Palmetto Construction & Services of the Upstate, of Williamston, SC in the amount of \$63,420.00, and a 10% contingency, in the amount of \$6,342.00; for a total award of \$69,762.00.***
- 2. Authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.***

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 - 0, to approve the purchase the Award of ITB 23-05 to Palmetto Construction & Services of the Upstate, of Williamston, SC in the amount of \$63,420.00, and a 10% contingency, in the amount of \$6,342.00; for a total award of \$69,762.00 and authorize the County Administrator to execute documents for this project and sign any change orders within the contingency amount.

Title: Sany SMG200C-8 Motor Grader with Scarifier

Department: Roads & Bridges

Amount: \$311,330.15

Procurement was approved by Council in Fiscal Year 2023-2024 budget process.

Budget: \$ 311,330.15 Project Cost: \$311,330.15 Balance: \$0.00

This purchase is for a new 2023 Sany SMG200C-8 Motor Grader with a Craig 5 Shank Scarifier that will be used by the Roads and Bridges Maintenance Crew to maintain gravel roads, cut shoulders, and clean out ditches throughout the County.

After researching Motor Graders that would meet the requirements of the department, staff determined that the Sany SMG200C-8 Motor Grader would best meet the needs of the Roads and Bridges Department.

This Motor Grader will be replacing a 1995 Champion Motor Grader with 11,450 hours (325.07); which will be sold as surplus or replace older equipment used in other County departments. The Vehicle Maintenance Director approves this purchase.

Sourcewell has awarded Sany America, Inc. contract # 011723-SNY for Heavy construction equipment. The contract discount is from 19.8% up to 35.2% off MSRP. For this purchase, the discount amount is 33.8%. This contract allows government agencies to purchase directly from an authorized dealer. Sourcewell Contracts are bid and awarded on a national level and purchases may be fulfilled by authorized local or state dealers. Ironpeddlers, Inc. of Duncan, SC is an Authorized Dealer for Sany America, Inc. Ironpeddlers, Inc. will set up, deliver and service the equipment for any

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warranty work required.

It is the staff's recommendation that Council approve the purchase of a 2023 Sany SMG200C-8 Motor Grader from Ironpeddlers, Inc. of Duncan, SC, in the amount of \$311,330.15, per Sourcewell Contract # 011723-SNY.

Mr. Elliott made a motion, seconded by Mr. Davis, approved 5 - 0, to approve the purchase of a 2023 Sany SMG200C-8 Motor Grader from Ironpeddlers, Inc. of Duncan, SC, in the amount of \$311,330.15, per Sourcewell Contract # 011723-SNY.

Council Committee Reports

None for this meeting.

Board & Commission Appointments

Planning Commission

District IV seat: 1 questionnaire on file for this seat.

No nominations were made for the vacant District IV seat on the Planning Commission.

Executive Session

None for this meeting.

Adjourn:

Mr. Elliott made a motion, approved unanimously, to adjourn at 6:32 p.m.

Respectfully Submitted:

Jennifer C. Adams
Clerk to Council

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